

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1046, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, line 13, strike "attorney" and insert "**attorney's**".
- 2 Page 2, line 13, strike "attorney" and insert "**attorney's**".
- 3 Page 4, between lines 9 and 10, begin a new paragraph and insert:
- 4 "SECTION 2. IC 24-5-14-3 IS AMENDED TO READ AS
- 5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) As used in this
- 6 chapter, "commercial telephone solicitation" means any unsolicited call
- 7 to a subscriber when:
- 8 (1) the person initiating the call has not had a prior business or
- 9 personal relationship with the subscriber; and
- 10 (2) the purpose of the call is to solicit the purchase or the
- 11 consideration of the purchase of goods or services by the
- 12 subscriber.
- 13 (b) The term does not include calls initiated by the following:
- 14 (1) The state or a political subdivision (as defined by
- 15 IC 36-1-2-13) for exclusively public purposes.
- 16 (2) The United States or any of its subdivisions for exclusively
- 17 public purposes (involving real property in Indiana).
- 18 **(3) A person conducting a public opinion poll, if the person**
- 19 **does not solicit the purchase or the consideration of the**
- 20 **purchase of goods or services by the subscriber.**

SECTION 3. IC 24-5-14-5 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This section does
not apply to messages:

- (1) from school districts to students, parents, or employees;
- (2) to subscribers with whom the caller has a current business or
personal relationship; ~~or~~
- (3) advising employees of work schedules; **or**
- (4) surveying public opinion, if the survey does not include a
solicitation for the purchase or the consideration of the
purchase of goods or services by the subscriber.**

(b) A caller may not use or connect to a telephone line an automatic
dialing-announcing device unless:

- (1) the subscriber has knowingly or voluntarily requested,
consented to, permitted, or authorized receipt of the message; or
- (2) the message is immediately preceded by a live operator who
obtains the subscriber's consent before the message is delivered."

Page 8, line 27, after "knowingly" insert "**and with intent to
defraud**".

Page 9, line 29, delete "for any of the purposes set forth in 47 U.S.C.
222(d)" and insert "**as otherwise authorized by state or federal law**".

Page 9, line 39, delete "(h), and (i)," and insert "**(g), and (h),**".

Page 10, line 5, delete "notify each Indiana customer" and insert
"**notify, in accordance with this chapter, Indiana customers**".

Page 10, delete lines 35 through 42, begin a new paragraph and
insert:

**"(f) Except as provided in subsection (g), a telecommunications
service provider shall provide any notice required under this
section by one (1) or both of the following methods:**

(1) To each affected Indiana customer by:

- (A) United States mail; or**
- (B) electronic mail, if the customer has provided the
telecommunications service provider with the customer's
electronic mail address.**

(2) By doing both of the following:

- (A) Conspicuously posting notice of the violation on the
web site of the telecommunications service provider, if the
telecommunications service provider maintains a web site.**
- (B) Providing notice of the breach to major news reporting**

1 **media in the geographic area in which Indiana customers**
 2 **affected by the violation reside."**

3 Page 11, delete lines 1 through 13.

4 Page 11, line 14, delete "(h)" and insert "(g)".

5 Page 11, line 20, delete "(i)" and insert "(h)".

6 Page 11, line 28, delete "(j)" and insert "(i)".

7 Renumber all SECTIONS consecutively.

(Reference is to HB 1046 as printed February 16, 2007.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

Steele

Chairperson